

CHAPTER 42—H. F. No. 297

An act to regulate the manufacture and sale of soft drinks and other non-alcoholic beverages, providing penalties and repealing Chapter 432, Laws of 1921.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Soft drink manufacturers to be licensed.—No person shall manufacture, mix or compound any soft drinks or other non-alcoholic beverage, except apple or fruit ciders, natural fruit juices, or cereal beverages to be sold in bottles, barrels, kegs, jars, coolers, or other containers without first having obtained a license therefor from the Dairy and Food Commissioner, who is charged with the duty and power of administering and enforcing the provisions of this Act: provided, that this Act shall not apply to beverages manufactured, mixed or compounded in quantities of less than one quart at one time.

Sec. 2. Must be inspected by dairy and food commissioner.—No soft drinks or other non-alcoholic beverages except apple or fruit ciders, natural fruit juices, or cereal beverages, not manufactured in this State, shall be sold, offered, exposed, exchanged or held in possession with intent to sell within this State, unless the same are first inspected and registered with the Commissioner.

Sec. 3. Definitions.—Wherever used in this act, the terms "Soft drinks or other non-alcoholic beverages" shall mean and include (a) carbonated or still beverages, (b) natural and mineral waters, carbonated, plain or otherwise, but shall not include apple or fruit ciders, or natural fruit juices, or cereal beverages.

Sec. 4. Manufacturer shall apply for license—fees.—Any person desiring to manufacture, mix and compound soft drinks or other non-alcoholic beverages, as described in Section 1, hereof, shall apply for a license therefor to the Commissioner in such form and furnish such information as he may require. Each application shall be accompanied by a fee of \$24.00, which shall constitute the license fee in case license is granted, and one-half of which shall be retained to reimburse the State for inspection in case license is refused. If the Commissioner shall find that the applicant maintains a proper place and the equipment and containers necessary for the manufacture of soft drinks and other non-alcoholic beverages, as required by this act, and otherwise complies therewith, the Commissioner shall issue to the applicant a license therefor.

Sec. 5. Manufacturers from other states to register. Any person who manufactures soft drinks or other non-alcoholic beverages outside of this State for sale within this State, shall apply for registration with the Commissioner in such form and

furnish such information as he may require. Samples of all soft drinks or other non-alcoholic beverages so manufactured for sale and sold within this State shall be submitted. Each application shall be accompanied by a registration fee of \$24.00, which shall constitute the registration fee in case registration is granted, and one-half of which may be retained to reimburse the State for inspection should registration be refused. If the Commissioner shall find that the samples so submitted are up to accepted standards, and otherwise comply with the laws of this State, then he shall issue to the applicant a certificate of registration.

Sec. 6. Fee for non-resident license.—The fee for such license, or certificate of registration shall be \$24.00, and shall expire on the 31st day of March following its issue, and no license or certificate of registration shall be issued for a longer term than one year, and shall not be transferable from one person to another or from the ownership to whom issued to another ownership or from one place to another place or location. Provided, that no manufacturer now licensed under Chapter 432, General Laws of Minnesota for the year 1921, shall be required to apply for a new license until his present license shall expire. And provided further, that a license or certificate of registration issued for a less term than one year, the fee for same shall be computed at the rate of two dollars for each calendar month or fractional part of such month. A penalty of 50 per cent of the license or registration fee shall be imposed if license or certificate of registration is not applied for on or before April 1 of each year, or within the same month such beverages are first manufactured or sold within this State.

Sec. 7. Disposition of fees.—All fees collected hereunder by the Commissioner, together with all fines paid for the violation of this Act, shall be paid into the State Treasury and credited to the BEVERAGE INSPECTION FUND, hereby created. The moneys so derived is hereby appropriated to compensate for and meet the expense of inspection and supervision as provided for in this Act. The money so collected and appropriated, known as the BEVERAGE INSPECTION FUND, shall be expended by the Commissioner for inspection, supervision, publications, short courses, and such other activities as in his judgment may be necessary, not inconsistent with the provisions of this Act.

Sec. 8. Commissioner to enforce act.—The Commissioner shall have power to suspend or revoke any such license or certificate of registration for failure to comply with the provisions of this Act, or rules and regulations made hereunder, either temporary or permanent, but before any such permanent revocation of license or certificate of registration shall be

made, the Commissioner shall serve upon the licensee or certificate holder, by registered letter containing a copy thereof, an order to show cause why the license or certificate of registration should not be permanently revoked, stating the grounds thereof and the time and place of hearing, which time shall not be less than 15 days after the mailing of the order.

At the appointed time and place, and at such times as the matter may be adjourned to, the Commissioner shall hear all proper evidence relating to the cause of the proposed revocation, and within a reasonable time thereafter he shall make and file his decision of the matter, and forthwith mail to the licensee or certificate holder a copy thereof.

The Commissioner may temporarily suspend the license of any licensee for violations of this Act, regulations made hereunder, or the "Minnesota Dairy and Food Law," but no such temporary suspension shall exceed 30 days in which time steps may be taken by the Commissioner for permanent revocation as above provided.

Any person, whose license or certificate of registration has been so suspended or revoked shall discontinue the manufacture of, or sale within this State, of any soft drinks or other non-alcoholic beverages, until the suspension is removed or a new license or certificate is granted.

Sec. 9. Definitions.—A carbonated or still beverage within the meaning of this Act, shall be a beverage made of pure cane or beet sugar, with pure water, and pure flavoring materials, with or without fruit acids and harmless coloring materials, and the finished product shall contain not less than seven per centum of sugar and less than $\frac{1}{2}$ of one per centum of alcohol by volume. All carbonated or still beverages not conforming to the above requirements, this Act, the Minnesota Dairy and Food Law, or the rules, regulations, definitions and standards made thereunder, shall be deemed to be adulterated.

Sec. 10. Regulation of factories.—All factories, rooms and places where soft drinks or other non-alcoholic beverages are manufactured, mixed, compounded and place in containers shall be well lighted and kept in a clean and sanitary condition; and all machinery, apparatus and utensils used in the manufacture of such beverages shall be kept clean and sanitary and in a clean and sanitary place.

Sec. 11. Containers must be clean.—Before being filled with such beverages, all bottles, jars and coolers, shall be sterilized by soaking for a period of not less than five minutes in a solution of not less than four per centum of caustic soda or alkali, expressed in terms of sodium hydrate, heated to not less than 110 degrees Fahrenheit, and then thoroughly rinsed in pure water until freed from alkali. Jars and coolers, before being

re-filled shall be cleansed and washed as in the manner above prescribed for bottles. When such beverages are marketed in second hand or used barrels, kegs, or other wooden containers, such containers shall be thoroughly cleansed and coated on the inside with paraffin, pitch or other suitable material. No beverages shall be placed in containers known as the "Hutchinson Plunger Bottle," or any container of similar type.

Sec. 12. Unlawful to use certain containers.—It shall be unlawful for any person to place his products in bottles or containers bearing any name blown in the glass or appearing thereon other than the true name of the manufacturer.

Sec. 13. Commission to enforce provisions.—The Commissioner, his inspectors, assistants and employees, shall enforce the provisions of this Act, and in so doing shall have all the powers and authority with relation thereto, that is conferred upon them and each of them by Chapter 495, General Laws for the year 1921 known as the Minnesota Dairy and Food Law, and the provisions of Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of said chapter shall be deemed a part thereof in the enforcement of this Act and accomplishments of its purposes.

Sec. 14. Penalties for violation.—Any person violating any of the provisions of this act, or of any regulations made hereunder or now in force, shall be guilty of a misdemeanor and be punished by a fine of not less than \$25.00, or by imprisonment in the County Jail for not less than 30 days for the first offense, and in the sum of not less than \$50.00 or by imprisonment in the County Jail for not less than 60 days for each subsequent offense.

Sec. 15. Laws repealed.—Chapter 432, General Laws of Minnesota for the year 1921 is hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved March 12, 1927.

CHAPTER 43—H. F. No. 956

An act to appropriate money for the payment of salary of the Lieutenant Governor and the salary and mileage of members of the Legislature and for the payment of the per diem of the officers and employes of and all other expenses of the Legislature, including payment of necessary supplies therefor.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Appropriation for legislative expense.—That the sum of \$100,000.00 or so much thereof as may be found neces-